

HR Weekly Podcast

6/10/2009

Today is June 10, 2009, and welcome to the HR Weekly Podcast from the State Office of Human Resources. Today's topic concerns human resources related legislation recently enacted by the South Carolina General Assembly.

On June 2, 2009, Governor Mark Sanford signed Senate Bill S.668 into law. This legislation establishes December 24th or Christmas Eve as an annual legal holiday for state employees. The statute which previously allowed the Governor the option of declaring Christmas Eve as a legal holiday for state employees was repealed.

Another Senate Bill S.345 was also signed into law on June 2, 2009. This Act makes several changes to the South Carolina Code of Laws necessary for the transition to the South Carolina Enterprise Informational System, or SCEIS. The Act amends the statutory provisions regarding leaves of absence for organ donation so that leaves of absence for this purpose may be taken on a calendar year basis rather than a fiscal year. The Act amends the vacancy posting statute by removing many of the unnecessary requirements related to posting job vacancies. The Act allows a state agency whose payroll is processed by the Office of the Comptroller General to withhold or deduct pay from an employee's wages when required to by state or federal law or when an overpayment of wages has occurred as a result of a miscalculation or other bona fide error. The Act amends the statutory provisions regarding temporary grant and time-limited project positions to allow all state agencies to use other funds to continue employment of a temporary grant or time-limited project employee between the expiration of one grant or time-limited project and the subsequent renewal of the same or similar grant or time-limited project. The Act also authorizes the State Office of Human Resources to amend or modify human resources policies, regulations, and processes as it determines efficient to implement and transition to SCEIS.

As previously mentioned in a podcast on May 7, 2009, Governor Sanford signed into law House Bill H.3378 which made significant changes for state agencies to implement mandatory furlough programs.

The following proviso changes or additions are included in the Annual Appropriation Act of Fiscal Year 2009-2010:

Proviso 80A.11 concerning the deletion by the Budget and Control Board of any permanent position in an agency that remains vacant for more than twelve months has been suspended for Fiscal Year 2009-2010.

Proviso 89.16 regarding personal service reconciliation has been amended to suspend the reconciliation of personal service funds with full time employee count and the deletion of underfunded positions for Fiscal Year 2009-2010.

Provisos 89.133 and 89.134 require that, before an agency head institutes a mandatory employee furlough program or a reduction in force, consideration should be given to furloughs or reductions of contract, post-TERI, and current TERI employees before other employees.

Proviso 90.18 states that "for the current fiscal year, a state entity must certify that it is a participant in the E-verify federal work authorization program before it may accept or use any monies that are a part of the federal stimulus package." Failure to do so is a violation of the provisions of the South Carolina Illegal Immigration Reform Act of 2008.

One deletion from the Fiscal Year 2009-2010 Annual Appropriation Act is Proviso 80A.7, which required the prior favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for an agency head. Nevertheless, other statutory language continues to govern agency head salaries, including review by the Agency Head Salary Commission and the State Budget and Control Board.

As a reminder, the federal minimum wage will increase from \$6.55 to \$7.25, effective July 24, 2009.

For complete details of these legislative changes, please refer to the South Carolina General Assembly website at www.scstatehouse.gov or the Office of Human Resources website at www.ohr.sc.gov.

If you have any questions, please contact your HR Consultant at 737-0900. Thank you.